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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 WASHINGTON STATE UNIVERSITY,

8 Plaintiff,

9 v.

10 PHYTELLIGENCE, INC.,

11 Defendant.

CASE NO. C18-361RSM

ORDER OF DISMISSAL

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13 This matter comes before the Court *sua sponte* on the Court's Order to Show Cause. Dkt.
14 #8. The Court ordered that Plaintiff show cause why this action should not be dismissed for
15 failure to serve Defendant within the time limits imposed by Federal Rule of Civil Procedure
16 4(m). *Id.* Plaintiff responded, indicating that the summons and complaint have not been served,
17 that more than ninety days have elapsed since filing, and that Plaintiff agrees the matter should
18 be dismissed without prejudice. Dkt. #9.

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20 Accordingly, the Court ORDERS that:

- 21 1. Plaintiff's claims are DISMISSED without prejudice;
22 2. This matter is CLOSED.

23 Dated this 10 day of July, 2018.

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26 RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE